

# House File 2192 - Introduced

HOUSE FILE 2192  
BY HUSER

## A BILL FOR

1 An Act relating to the qualifications of a resident fiduciary  
2 under the Iowa probate code.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 633.63, subsection 1, Code 2009, is  
2 amended to read as follows:

3 1. Any natural person of full age, who is a resident of this  
4 state, is qualified to serve as a fiduciary, except any of the  
5 following:

6 ~~a. One who is under legal incompetency or is a chronic~~  
7 ~~alcoholic or a spendthrift.~~ A person who has been adjudicated  
8 legally incompetent.

9 b. A person who has been convicted of a felony as defined  
10 in section 701.7 or an offense classified as a felony under  
11 federal law.

12 c. A person who is not a citizen of the United States and  
13 who is not domiciled in the United States.

14 ~~b.~~ d. Any other person whom the court determines to be  
15 unsuitable.

16 EXPLANATION

17 This bill relates to the qualifications of a resident  
18 fiduciary under the Iowa probate code.

19 The bill exempts a person who has been adjudicated legally  
20 incompetent, has been convicted of a felony as defined in  
21 Code section 701.7 or an offense classified as a felony under  
22 federal law, or is not a citizen of the United States and  
23 who is not domiciled in the United States from serving as a  
24 fiduciary under the Iowa probate code, in addition to any other  
25 person whom the court determines to be unsuitable. Current  
26 law exempts a person who is "under legal incompetency" or who  
27 is a chronic alcoholic or a spendthrift from serving in such  
28 a capacity.